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December 13, 2012

BY ECF

Magistrate Judge Lois Bloom
United States District Court for the
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Shirley Wrubel, as Trustee of the Sara Hollander Irrevocable Life Insurance Trust v. John Hancock Life Insurance Company,*
Docket No. 11-cv-01873 (WFK)(LB)

Dear Judge Bloom:

This firm represents the Defendant John Hancock Life Insurance Company (U.S.A.) (“John Hancock”), in the above captioned action (the “Action”). We write to give the Court a brief update on the status of Plaintiff’s production of a copy of her birth certificate as directed by Your Honor on October 26, 2012 (the “October 26 Order”).

Pursuant to the October 26 Order, Plaintiff was required to produce her birth certificate by November 9. Due to Hurricane Sandy, the New York City Department of Health and Mental Hygiene’s (the “DHH”) office at Worth Street was closed from October 29 through November 2, and Plaintiff had been unable to get to the DHH by November 9. Accordingly, John Hancock agreed to give Plaintiff one week, to November 16, to obtain her birth certificate. On November 15, I received an email from Plaintiff’s counsel, Mr. BenHaim, informing me that Ms. Wrubel had ordered a long form birth certificate and that it would take two weeks to be mailed by DHH to Plaintiff. Attached for your reference are Mr. BenHaim’s email and a receipt dated November 15, 2012.

As of today, we have not received Plaintiff’s birth certificate. On Friday, December 7, 2012, Mr. BenHaim told me that he has been calling his client everyday concerning the status of the birth certificate and has been told that Plaintiff has not received it from the DHH. In order to allow us to obtain Ms. Hollander’s tax returns from the IRS, however, Mr. Benhaim told me that one of Plaintiff’s sisters does have a birth certificate in her possession and has now offered to

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produce that sister's birth certificate and a signed Form 4506 in order to allow us to obtain Ms. Hollander's tax records from the IRS. He would not say why they could not do this months ago, which now raises the question whether Ms. Wrubel's birth certificate actually identifies her as Ms. Hollander's daughter. In any event, Mr. BenHaim told me that we would receive a birth certificate from one of Ms. Hollander's daughters and a signed Form 4506 by December 11. As of today, we have not received a birth certificate or a signed Form 4506. Yesterday, Mr. BenHaim told me that he would check the status of this birth certificate but I have not heard back from him as of this afternoon.

John Hancock requests leave to seek sanctions under the October 26 Order if Plaintiff has not produced either her or her sister's birth certificate and a signed Form 4506 by Tuesday December 18.

Respectfully submitted,



A handwritten signature in black ink, appearing to read "S R F".

Sean R. Flanagan

cc: Ira S. Lipsius, Esq. (via ECF)
David BenHaim, Esq. (via ECF)